

REMARKS/ARGUMENTS

Claims 1-14 are present in this application. By this Amendment, the specification and claim 1 has been amended. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claim 1 was objected to due to an informality. Claim 1 has been amended according to the Examiner's suggestion, which is noted with appreciation. Withdrawal of the objection is requested.

Claims 1, 2, 11 and 12 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,646,666 to Cowger et al. This rejection is respectfully traversed.

It is well settled that a rejection under §102(b) requires that each and every feature of the rejected claim be found in a single prior art reference. See, for example, *W.L. Gore & Assocs. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984) ("Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration."). With regard to claim 1, although the Office Action mimics the language in the claims with reference to purported corresponding structure in the Cowger patent, Applicant respectfully submits that these referenced items are in fact unrelated to the claimed features. For example, the Office Action contends that Cowger discloses "an ink cartridge (62, 64) that supplies ink to the printhead (26)." Elements 62 and 64, however, respectively correspond to an inlet chamber and an outlet chamber of a vacuum regulator 38. The regulator 38 serves to prevent a back pressure in the reservoir 22 from being increased by the pump 36 to a level so high that the print head fails. See, for example, column 3, lines 38-42. The inlet and outlet chambers 62, 64 of the regulator 38 do not in any manner supply ink to the print head.

Additionally, the Office Action contends that Cowger discloses “a casing body including a first chamber (48) allowing atmospheric air to enter therein, and a second chamber (38) storing ink therein.” Item 48 in Cowger is a pump chamber within the pump 36, and as noted above, item 38 is a vacuum regulator, which does not in any manner store ink therein.

Still further, the Office Action contends that Cowger discloses “a lid member (60) . . . partitioning the second chamber into a first space (62) above the lid member (60) and a second space (64) below the lid member (60) for storing ink” Even assuming that the diaphragm 60 of the vacuum regulator 38 could somehow be interpreted to encompass the claimed lid member, the “second space (64)” in Cowger does not in any manner store ink.

The Office Action further contends that “a gap is formed [in Cowger] between an outer periphery of the lid member and an inner periphery of the second chamber such that a meniscus of ink is formed therebetween.” Again, this subject matter is nowhere found nor remotely suggested in the Cowger patent. Rather, Cowger describes a needle valve assembly 68, which is part of the regulator 38, and includes an adjustable needle 70, which can be advanced or retracted against one end of a valve tube 72 that is mounted to the diaphragm 60 to provide an air conduit between the inlet chamber 62 and the outlet chamber 64. A compression spring 74 urges the tube 72 against the needle 70. Advancing or retracting the needle 70 increases or decreases, respectively, the amount of pressure drop within the outlet chamber 64 that is necessary for opening the valve 68 and thereby providing the outlet chamber 64 with ambient air via the valve tube 72 and port 66. See column 3, lines 48-59. The diaphragm structure of the vacuum regulator does not in any manner facilitate an ink supply and lacks any reference to a meniscus of ink. Additional features of the claims are also lacking in the Cowger patent.

Independent claim 11 defines an ink jet printer including a print head and an ink cartridge that supplies ink to the print head. The ink cartridge includes structure similar to that defined in claim 1, and Applicant submits that claim 11 is allowable for similar reasons.

With regard to dependent claims 2 and 12, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 7 and 10 were rejected under 35 U.S.C. §103(a) over Cowger. Without conceding the grounds of rejection, Applicant submits that Cowger lacks any suggestion to modify its structure to include those missing features noted above. As a consequence, Applicant submits that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Applicant acknowledges with appreciation the indication of allowable subject matter in claims 3-6, 8, 9, 13 and 14. With regard to the noted reasons for the indication of allowable subject matter, Applicant respectfully disagrees with the Examiner to any extent that such statements characterize the invention in a manner at variance with the actual wording of the claims.


In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

YAMADA
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Respectfully submitted,

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